

WWR# 041125489

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS (EASTERN DIVISION)

In Re KESHA G GOODEN

) Case No. 23-02211

)

) Chapter 13

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Address 9047 S Abbott Avenue, Chicago, IL 60620

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Last four digits of Social Security or Individual Tax-payer Identification)

(TIN) No(s). (if any) 4285)

Employers Tax Identification (EIN) No(s). (if any)

NOTICE OF MOTION FOR RELIEF FROM THE AUTOMATIC STAY AND CO-DEBTOR STAY

TO: See attached list

PLEASE TAKE NOTICE that on March 13, 2023, at 1:30 p.m., I will appear before the Honorable David D. Cleary, or any judge sitting in that judge's place, **either** in courtroom 644 of the Everett McKinley Dirksen United States Courthouse, 219 S. Dearborn Street, Chicago, IL 60604, **or** electronically as described below, and present the motion of Motion for Relief from the Automatic Stay and Co-Debtor Relief from Stay for PENFED CREDIT UNION a copy of which is attached.

All parties in interest, including the movant, may appear for the presentment of the motion either in person or electronically using Zoom for Government.

You may appear electronically by video or by telephone.

To appear by video, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and passcode.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and passcode.

Meeting ID and passcode. The meeting ID for this hearing is 161 122 6457 and the passcode is Cleary644. The meeting ID and passcode can also be found on the Judge Cleary's webpage on the court's website, <https://www.ilnb.uscourts.gov/content/judge-david-d-cleary>.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without calling it.

Respectfully submitted,
WELTMAN, WEINBERG & REIS CO., L.P.A.

Date: February 27, 2023

By: /s/ Monette Cope
Monette Cope
180 N. LaSalle Street, Suite 2400
Chicago, IL 60601
312-253-9614
ARDC # 6198913
Attorney for Creditor
PENFED CREDIT UNION

CERTIFICATE OF SERVICE

I, Janelle Woodards, certify that I served a copy of this notice and the attached motion on each entity shown on the attached list at the address shown and by the method indicated on the list on February 27, 2023, by 5:30 p.m.

Marilyn O Marshall, Chapter 13 Trustee, ecf@55chapter13.com

Patrick S. Layng, U.S. Trustee, USTPRegion11.ES.ECF@usdoj.gov

And on the following by ordinary U.S. Mail address to:

Kesha G Gooden
9047 S Abbott Ave.
Chicago, IL 60620

Robert D Goodman
9047 S Abbott Ave.
Chicago, IL 60620

Respectfully submitted,

WELTMAN, WEINBERG & REIS CO., L.P.A.

By: /s/ Janelle Woodards
Janelle Woodards, Legal Assistant

WWR# 041125489

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS (EASTERN DIVISION)

In Re: Kesha G Gooden

Debtor,

Case No. 23-02211
Chapter 13
Hon. David D. Cleary

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY AND CO-DEBTOR STAY AS
TO ROBERT D GOODMAN**

Now comes PENFED CREDIT UNION, by and through its attorneys, Weltman, Weinberg & Reis Co. L.P.A., and states the following as its Motion for Relief from Automatic Stay and its Motion for Relief from Co-Debtor Stay as to:

1. This action is commenced pursuant to 11 U.S.C. § 361, 362, 363 and 1301(c) and other Sections of Title 11 of the Bankruptcy Code.
2. Debtor, Kesha G Gooden, filed a petition under 11 U.S.C., Chapter 13, on February 21, 2023.
3. Pursuant to the provisions of 11 U.S.C. § 362(a) and §1301(a), the filing of the Debtor's petition operates as an automatic stay against PENFED CREDIT UNION's rights as a secured creditor to proceed against Debtor and Co-Debtor and their property.
4. On May 5, 2022, the Debtors herein did execute and deliver to the Movant a certain Retail Installment Contract in the amount of \$\$33,061.86 (Exhibit A), secured by a

security interest in a 2019 DODGE GRAND CARAVAN, Motor Vehicle Serial 2C4RDGCG6KR800694 (Exhibit B).

5. There remains due and owing on the Retail Installment Contract Agreement referenced in paragraph four hereof, the sum of \$39,624.70 plus interest.

6. The property is valued at \$13,800.00 pursuant to J.D. Power valuation (Exhibit C).

7. Creditor has not been adequately protected by periodic payments or otherwise since the filing of the Debtor's petition and there are arrearages of \$4,520.96 as of the date of the filing of this motion, for the monthly payments of September 19, 2022 through February 19, 2023 plus late charges.

8. The debtors' are not properly insuring Movant's security. The debtors' failure to properly insure said security exposes Movant to an unreasonable risk of loss during the operation of the automatic stays described above. As such, Movant is being compelled to accept an unreasonable risk of loss and is being denied adequate protection. The co-debtor stay must also be terminated under 11 U.S.C. §1301(c)(1), (2), and (3).

9. As of February 27, 2023 debtor has not filed a Chapter 13 Plan or Schedules.

10. On or around February 14, 2023 the collateral was repossessed by Movant.

11. Continuation of the automatic stay and co-debtor stay will work real and irreparable harm to PENFED CREDIT UNION and will deprive it of the adequate protection to which it is entitled.

12. PENFED CREDIT UNION is entitled to relief from stay and co-debtor stay to recover possession of the property and liquidate its security interest.

13. PENFED CREDIT UNION specifically requests that the fourteen-day stay

pursuant to Rule 4001(a)(3) prior to enforcement of the order requested herein be waived; such grace period is designed solely for appeal purposes, and an appeal in this matter would be frivolous and without merit.

WHEREFORE, PENFED CREDIT UNION prays this honorable Court Order that the automatic stay and co-debtor stay be lifted so as to permit PENFED CREDIT UNION to proceed to enforce its security interest in the property.

Respectfully submitted,

WELTMAN, WEINBERG & REIS CO., L.P.A.

Date: February 27, 2023

By: /s/ Monette Cope
Monette Cope
180 N. LaSalle Street, Suite 2400
Chicago, IL 60601
216-635-5827
mcope@weltman.com
ARDC # 6198913
Attorney for Creditor
PENFED CREDIT UNION